MILLER STARR REGALIA

NOVEMBER 9, 2020

California Supreme Court Rejects All-Or-Nothing Classification Of Permit Decisions, Holding That Whether CEQA Triggering Discretion Exists Must Be Determined On A Case-By-Case Basis

Related Lawyers: **Arthur F. Coon**, **Travis Brooks**
Related Practices: **Land Use - Litigation**, **Land Use & CEQA**

In an August 27,2020 opinion, the California Supreme Court provided important guidance to local agencies regarding the classification of permit decisions based on ordinances that include both ministerial and discretionary components. *Protecting Our Water and Environmental Resources v. County of Stanislaus ("POWER")* centered around the County of Stanislaus' well permitting ordinance, which the county had classified as broadly ministerial so as to exempt the entire category of well-construction permits from review under the California Environmental Quality Act (CEQA). The county's well permitting ordinance actually contained both ministerial and discretionary elements and in some instances county staff had a level of subjective control over conditions and requirements for well permit approval whereby it could address certain environmental impacts. In other instances, the county ordinance merely required county staff to follow and determine compliance with objective, written standards without any subjective control when issuing well permits.

READ ARTICLE

© 2026 Miller Starr Regalia. All Rights Reserved. Attorney Advertising.